



MEMO ENDORSED

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January 24, 2020

BY ECF:

Hon. Ona T. Wang, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Thomas Medina v. City of New York, et al.,
19 Civ. 9412 (AJN)

Your Honor:

I am a Senior Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, and one of the attorneys for defendant City of New York ("City" or "defendant") in the above-referenced matter. In that capacity I write to respectfully request that the Court adjourn, *sine die*, the follow-up Pre-Settlement Conference Telephone Call scheduled for January 28, 2020, at 10:30 a.m. (see Dkt. # 50). Defendant sought plaintiff's consent to this motion earlier today, but has not yet received a response. Due to the Court's Individual Rule I.E., however, defendant must submit this request to adjourn the conference today, without awaiting plaintiff's position. This is the defendant's first request to adjourn the Pre-Settlement Conference Telephone Call.

The reason for this request is that following the January 15, 2020 Pre-Settlement Conference Telephone Call, it has become apparent that the parties are at an impasse with regards to settlement. Defendant continues to maintain that plaintiff does not have standing to seek equitable relief and plaintiff refuses to engage in settlement negotiations without the inclusion of equitable relief. As a result, the defendant respectfully submits that an additional Pre-Settlement Conference Telephone Call will not result in any meaningful discussions at this time and makes this request in order to conserve judicial and attorney resources.

Therefore, the City requests that the telephone conference currently schedule for Tuesday January 28th, at 10:30 a.m., and any future settlement conferences, be adjourned *sine die* until such time as the parties are in agreement, or the Court has made a ruling, on the availability of equitable relief.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/
Joseph Zangrilli
Senior Counsel

cc: All counsel of record via ECF

Application DENIED. The Court will hold an in-person settlement status conference in Courtroom 20D, 500 Pearl Street, with counsel only. The parties shall meet and confer and file a letter as soon as possible, indicating whether the parties prefer **10:00 a.m., tomorrow, January 28, 2020 or 10:30 a.m., Wednesday, January 29, 2020**. The Clerk is directed to close ECF 53.

SO ORDERED.



Ona T. Wang 1/27/20
U.S. Magistrate Judge